

Application No. 10/572,760
Paper Dated: February 10, 2009
In Reply to USPTO Correspondence of December 10, 2008
Attorney Docket No. 0388-060452

REMARKS

Claims 1-29 are currently pending in the above-identified application. In an Office Action dated December 10, 2008, in the form of a Restriction Requirement, the Examiner has required an election between the following two Groups:

Group I, claims 1-17, drawn to a method of diagnosing a system; and

Group II, claims 18-29, drawn to an aggregating system for system diagnosis.

Additionally, if Group I is elected, the Examiner has required an election between Species I-XIII, wherein Species I is a method of diagnosing a system and Species II-XIII are methods of operating an aggregating system for system diagnosis. If Group II is elected, the Examiner has required an election between Species XIV-XXV, wherein Species XIV-XXV are aggregating systems for system diagnosis.

Applicant hereby provisionally elects for further prosecution Group I, claims 1-17, drawn to a method of diagnosing a system, and Species I, a method of diagnosing a system, which reads on claims 1-4. This election is made with traverse.

Applicant respectfully traverses on the ground that Group I, claims 1-17, and Group II, claims 18-29 relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, each claim requires the same or corresponding special technical features. The Examiner asserts that the inventions of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. Specifically, the Examiner asserts that the method of Group I uses calculation means that are distinct from the calculation means of the aggregating system of Group II. PCT Rule 13.2 provides that Rule 13.1 is fulfilled, that is, that an application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept, if inventions involve one or more of the same or corresponding special technical features. Applicant submits that Group I and Group II require the same or corresponding special technical features because claims 1-17 of Group I and claims 18-29 of Group II require a trap operation diagnosis, a fluid leakage diagnosis and calculation of a trap-passed steam loss amount and a fluid leakage loss amount. Because of this same principle

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arrangement, claims 1-17 of Group I and claims 18-29 of Group II relate to a single general inventive concept under PCT Rule 13.1. Additionally, for the above reasons, Applicant submits that the calculating means of Group I and Group II are not distinct.

Applicant respectfully traverses further on the ground that Species I-XXV do not lack unity of invention because they are so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner asserts that Species I-XXV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features. Specifically, the Examiner asserts that the species require distinct calculating means. As noted above, each of claims 1-29 requires the same or corresponding special technical features of a trap operation diagnosis, a fluid leakage diagnosis and calculation of a trap-passed steam loss amount and a fluid leakage loss amount. Because of this same principle arrangement, Species I-XXV relate to a single general inventive concept under PCT Rule 13.1. Additionally, for these reasons, the species do not require distinct calculating means.

Lastly, Applicant notes that claims 1-29 in the PCT application, which correspond to pending claims 1-29 in the present application, were not found to lack unity of invention. In fact, all 29 PCT claims were searched, prior art was identified, and an International Search Report and an International Preliminary Report on Patentability were issued on all 29 PCT claims. As with the PCT search, there will be no undue burden in examining all 29 pending claims in the present application.

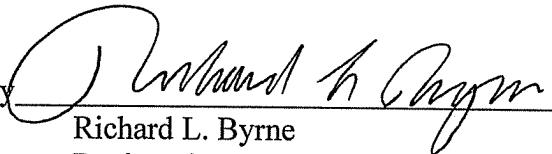
For the foregoing reasons, Applicant believes that the Restriction Requirement was improper and respectfully requests withdrawal of the Restriction Requirement.

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Applicant expressly reserves the right to file one or more divisional patent applications on the non-elected group and any of the non-elected species as identified in the Office Action.

Respectfully submitted,

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